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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-134**

13 **YVETTE ALICE BRAZEL,**  
**aka YVETTE ALICE BRAZIL,**  
**aka YVETTE BRAZIL**  
14 **607 May Street**  
**Mobile, AL 36607**

**A C C U S A T I O N**

15 **Registered Nurse License No. 578823**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
22 Department of Consumer Affairs.

23 2. On or about March 20, 2001, the Board issued Registered Nurse License Number  
24 578823 to Yvette Alice Brazel, also known as Yvette Alice Brazil and Yvette Brazil  
25 ("Respondent"). Respondent's registered nurse license was in full force and effect at all times  
26 relevant to the charges brought herein and will expire on April 30, 2013, unless renewed.

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4. On or about June 1, 2007, a Board Investigative/Court & Conviction questionnaire was mailed to Respondent's address of record. Respondent failed to respond. The Board's correspondence was not returned.

5. On or about January 27, 2009, a second Board Investigative/Court & Conviction questionnaire was sent via certified mail to Respondent's address of record. Respondent failed to respond and the correspondence was not returned.

6. On or about January 27, 2009, the second Board Investigative/Court & Conviction questionnaire was sent to Respondent's electronic mail address of record. Respondent failed to respond.

b. On or about October 15, 2009, pursuant to the Default Order in the disciplinary proceeding titled "In the Matter of: Yvette Brazil License No. R51156", the New Mexico Board revoked Respondent's license to practice as a registered nurse in the state of New Mexico. A true and correct copy of the Default Order is attached hereto as **exhibit B** and incorporated herein.

c. On or about September 16, 2011, pursuant to the Findings of Fact, Conclusions of Law, and Order of the Board ("Board Order") in the disciplinary proceeding titled "In the Matter of: N. Genell Lee, R.N., M.S.N., J.D. v. Alice Yvette Brazil", the Alabama Board of Nursing revoked Respondent's Alabama registered nurse license and licensed practical nurse license. A true and correct copy of the Board Order is attached hereto as **exhibit C** and incorporated herein.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 578823, issued to Yvette Alice Brazel, also known as Yvette Alice Brazil and Yvette Brazil;

2. Ordering Yvette Alice Brazel, also known as Yvette Alice Brazil and Yvette Brazil, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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1           3.     Taking such other and further action as deemed necessary and proper.

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3     DATED: August 23, 2012

Louise R. Bailey  
4     LOUISE R. BAILEY, M.ED., RN  
5     Executive Officer  
6     Board of Registered Nursing  
7     Department of Consumer Affairs  
8     State of California  
9     Complainant

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**EXHIBIT A**

**Order of Denial by the Arizona State Board of Nursing**

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF APPLICATION )  
FOR LICENSE BY: )  
YVETTE ALICE BRAZIL )  
TO PRACTICE REGISTERED )  
NURSING IN THE STATE OF ARIZONA )  
LICENSE NO: TRN145406 )

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ORDER OF DENIAL  
NO. 0704030

On March 26, 2009, the Arizona State Board of Nursing ("Board") considered the application for licensure of YVETTE ALICE BRAZIL, ("Applicant").

**FINDINGS OF FACT**

1. On or about March 29, 2007, Applicant submitted a registered nurse application by endorsement to the Board. On or about April 2, 2007, a temporary professional nurse license was issued by the Board; the temporary license expired on October 2, 2007.
2. On or about April 19, 2007, the Board received a complaint from Kathleen Lee, R.N. at Maricopa Integrated Health System (MIHS) alleging that on or about April 10, 2007, Applicant's pre-employment urine drug screen (UDS) tested positive for cannabinoids. Applicant's pre-employment UDS test results were then reviewed by a Medical Review Officer and results were confirmed with GC/MS testing. According to Ms. Lee's complaint, MIHS contacted Applicant's travel registry, Nightingale Nurses, Boca Raton, Florida and cancelled her travel contract.
3. On or about April 19, 2007, a CANDO contact letter was mailed to Applicant's address of record that required a response by Applicant on or before April 30, 2007. Applicant failed to respond and the complaint was forwarded to investigations.

4. On or about June 1, 2007, a Board Investigative/Court & Conviction questionnaire was mailed to Applicant's address of record. Applicant failed to respond. The Board's correspondence was not returned.

5. On or about January 27, 2009, a second Board Investigative/Court & Conviction questionnaire was sent via certified mail no. 7006 3450 0000 4916 3754 to Applicant's address of record. Applicant failed to respond and the correspondence was not returned.

6. On or about January 27, 2009, the second Board Investigative/Court & Conviction was sent to Applicant's known electronic mail address of record. Applicant failed to respond. There has been no contact to any of the Board's attempts to reach Applicant regarding the complaint.

#### CONCLUSIONS OF LAW

In light of the above Findings of Fact, the Board has cause to deny the application for licensure of YVETTE ALICE BRAZIL, pursuant to A.R.S. § 32-1663(A) and (B), as defined in A.R.S. § 32-1601(16) (j), and A.A.C. R4-19-403(B), (18), and (25)(a). (Adopted and effective November 13, 2005).

#### ORDER

NOW THEREFORE, IT IS ORDERED that the application of YVETTE ALICE BRAZIL for a license to practice as a registered nurse in the State of Arizona is denied and any temporary certificate issued to Applicant is hereby revoked. Pursuant to A.A.C. R4-19-609, the effective date of the Order of Denial is upon expiration of the time for filing an appeal, 30 days after the date of service of the Order of Denial.

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IT IS FURTHER ORDERED that Applicant is not eligible to reapply for said license pursuant to A.A.C. R4-19-404 for at minimum, five (5) years from the effective date of the Order of Denial.

IT IS FURTHER ORDERED that Applicant is not eligible to practice nursing in Arizona under the privilege of any Compact state without prior approval from the Arizona Board of Nursing.

PURSUANT TO A.R.S. § 41-1092.03, any person aggrieved by this Order may apply to the Board, in writing, within 30 days of receipt and request a public hearing with respect to this Order. If you request a public hearing with respect to this Order, you also have the right to request an informal settlement conference by filing a written request with the Board, pursuant to A.R.S. § 41-1092.06, no later than 20 days before the scheduled hearing. The conference will be held within 15 days after receipt of your request. Please note that you waive any right to object to the participation of the Board's representative in the final administrative decision of the matter if it is not settled at the conference. For answers to questions regarding the appeals process, contact Susan Barber, at (602) 889-5161.

DATED this 26<sup>th</sup> day of MARCH, 2009.

ARIZONA STATE BOARD OF NURSING

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

SEAL

JR/mr

COPY mailed this 2<sup>nd</sup> day of April, 2009, by First Class Mail and Certified Mail No. 70090080000004338518 to:

YVETTE ALICE BRAZIL  
607 MAY STREET  
MOBILE, AL 36607

By: Trina Smith  
Legal Secretary

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**EXHIBIT B**


**Default Order by the New Mexico State Board of Nursing**

BEFORE THE BOARD OF NURSING  
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:  
Yvette Brazil  
LICENSE NO.: R51156

Respondent

DEFAULT ORDER


I certify this to be a true copy of the  
records on file with the New Mexico  
Board of Nursing.  
Signed: 

THIS MATTER having come before the Board of Nursing ("BON") on Wednesday, October 14, 2009 the  
BON finds the following:

1. A Notice of Contemplated Action was served on the respondent in accordance with the Uniform  
Licensing Act, N.M.S.A. §61-1-1 et seq.
2. The respondent has not mailed a request for hearing within the time and in the manner required by  
N.M.S.A. §61-1-4 and is therefore in default.

IT IS THEREFORE ORDERED THAT: the license of Yvette Brazil, R51156 is hereby revoked by default.

DATE: 10-15-09

  
TERRI FORTNER, CHAIRPERSON  
NEW MEXICO BOARD OF NURSING

CERTIFIED MAIL NO: 70081140 00042543 0999  
RETURN RECEIPT REQUESTED

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**BEFORE THE BOARD OF NURSING  
FOR THE STATE OF NEW MEXICO**

IN THE MATTER OF:  
Yvette Brazil  
License No. R51156

I certify this to be a true copy of the  
records on file with the New Mexico  
Board of Nursing.

Signed: CR

Respondent.

**NOTICE OF CONTEMPLATED ACTION**

1. The Respondent is licensed under the Nursing Practice Act, NMSA 1978, §61-3-1 et seq., and is subject to the jurisdiction of the New Mexico Board of Nursing ("BON").

2. The BON has sufficient evidence which, if not rebutted or explained, will justify the BON in suspending or revoking or taking other action against the Respondent's license pursuant to NMSA 1978, §61-3-28.

3. The general nature of the allegations is contained in Exhibit 1 to this Notice of Contemplated Action.

4. Unless the Respondent within twenty days after service of this notice deposits in the mail a certified return receipts requested letter addressed to the BON at the address below containing a request for hearing, the BON will take the contemplated action.

**61-1-8. Rights of person entitled to hearing.**

A. A person entitled to be heard under the Uniform Licensing Act [61-1-1 NMSA 1978] shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the

production of relevant books, papers, documents and other evidence upon making written request therefore to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer. All notices issued pursuant to §61-1-4 NMSA 1978 shall contain a statement of these rights.

B. Upon written request to another party, any party is entitled to:

(1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and

(2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No request shall be made less than fifteen days before the hearing.

C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

Date: 8-25-09

Nancy Darbro PhD, APRN  
Nancy Darbro, PhD., APRN, CNS  
Interim CO-Executive Director  
6301 Indian School rd., NE  
Suite 710  
Albuquerque, New Mexico 87110

CERTIFIED MAIL: 70081140686425417082  
RETURN RECEIPT REQUESTED

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**EXHIBIT C**

**Board Order, Alabama Board of Nursing**



## ALABAMA BOARD OF NURSING

RSA Plaza, Ste 250  
770 Washington Ave  
Montgomery, AL 36104

Mailing Address:  
P.O. Box 303900  
Montgomery, AL 36130-3900

(334) 242-4060  
1-800-656-5318  
Fax (334) 242-4360

N. Genell Lee, MSN, RN, JD

Executive Officer

[www.abn.alabama.gov](http://www.abn.alabama.gov)

### BEFORE THE ALABAMA BOARD OF NURSING

STATE OF ALABAMA )

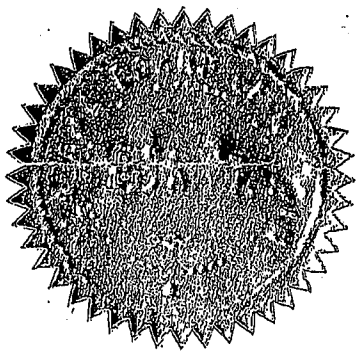
MONTGOMERY COUNTY )

I, N. GENELL LEE, RN, MSN, JD, Executive Officer of the Alabama Board of Nursing, do hereby certify that I am the legal Custodian of Records for the Alabama Board of Nursing and that the attached document in reference to **ALICE YVETTE BRAZIL** as it appears of record and on file in my office at Suite 250, RSA Plaza, 770 Washington Avenue in the City of Montgomery, County of Montgomery, State of Alabama, that the laws of the State require said records be kept and that the same are true and correct copies of said originals.

WITNESS my hand and seal of the Alabama Board of Nursing on this 24<sup>th</sup> day of October, 2011.

ALABAMA BOARD OF NURSING

N. GENELL LEE, RN, MSN, JD  
EXECUTIVE OFFICER





ALABAMA BOARD OF NURSING  
MONTGOMERY, ALABAMA

IN THE MATTER OF:

N. GENELL LEE, R.N., M.S.N., J.D.  
Executive Officer,  
Alabama Board of Nursing,

Complainant,

v.

ALICE YVETTE BRAZIL,  
LICENSE NO. 1-068198 (LAPSED)  
2-030518 (LAPSED)

ABN CASE NO. 2009-0915

Respondent.

BOARD ORDER

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND  
ORDER OF THE BOARD

THIS CAUSE having come before the Alabama Board of Nursing ("Board") against the above-named Respondent and the evidence having been considered on September 16, 2011, the Board issues the following Order:

FINDINGS OF FACT

1. Nathaniel Nunnally, Special Investigator with the Board, testified at the hearing.
2. On December 10, 1986, Respondent was licensed by examination by the Board as a Licensed Practical Nurse ("LPN"). On December 31, 1993, Respondent's license lapsed due to non-renewal.
3. On March 18, 1993, Respondent was licensed by examination by the Board as a Registered Nurse ("RN"). On December 31, 2004, Respondent's license lapsed due to non-renewal.
4. On or about March 29, 2007, Respondent submitted an RN application by endorsement to the Arizona Board of Nursing ("Arizona Board"). On April 2, 2007, a temporary

professional nurse license was issued. On October 2, 2007, Respondent's temporary license expired.

5. On or about April 19, 2007, the Arizona Board received a Complaint from Kathleen Lee, RN at Maricopa Integrated Health System ("MIHS") alleging that on or about April 10, 2007, Respondent's pre-employment urine drug screen ("UDS") tested positive for cannabinoids. Respondent's results were reviewed and confirmed by a Medical Review Officer and with GC/MS testing. Respondent was contacted by her employer and her travel contract was cancelled.

6. On or about April 19, 2007, an Arizona Board Chemically Addicted Nurses Diversion Option ("CANDO") contact letter was mailed to Respondent's address of record that required a response by her on or before April 30, 2007. Respondent failed to respond and the Complaint was forwarded for investigation.

7. On or about June 1, 2007 and January 27, 2009, Arizona Board Investigative/Court & Conviction questionnaires were mailed to Respondent's address of record. The January 27, 2009, letter was sent by Certified Mail and Electronic Mail. Respondent failed to respond to both notices.

8. On March 26, 2009, Respondent's application for licensure with the Arizona Board was denied and her temporary certificate was revoked.

9. On or about November 24, 2003, the New Mexico Board of Nursing ("New Mexico Board") licensed Respondent as an RN. On or about October 14, 2009, Respondent's New Mexico RN license was "revoked by default."

**SPECIFIC FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING  
COUNT ONE**

10. The conduct as described in Paragraphs 4 through 8 above demonstrates that Respondent is unfit or incompetent due to the use of alcohol, or is addicted to the use of habit-forming drugs to such an extent as to render the licensed nurse unsafe or unreliable, in violation

of Code of Alabama, (1975) § 34-21-25(b)(1)(d) and Alabama Board of Nursing Administrative Code, § 610-X-8-.03(4)(a).

**SPECIFIC FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING  
COUNT TWO**

11. Respondent's conduct as described in Paragraphs 4 through 8 above demonstrates that she engaged in personal use of unauthorized or illegal drugs or substances, or obtained drugs or controlled substances except as directed by a legally authorized prescriber, in violation of Code of Alabama, (1975) § 34-21-25 and Alabama Board of Nursing Administrative Code, § 610-X-8-.03(6)(v) (as effective through June 24, 2010) (now found in Alabama Board of Nursing Administrative Code, § 610-X-8-.03(7)(q) (as effective June 25, 2010)). Said conduct is unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters pertaining to health.

**SPECIFIC FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING  
COUNT THREE**

12. The conduct as described in Paragraphs 4 and 9 above demonstrates that Respondent had a license denied, conditionally issued, reprimanded, placed on probation, suspended, revoked, or voluntarily surrendered in another state, territory or country, or having been court-martialed or administratively discharged by a branch of the United States Armed Forces for any act or conduct which would constitute grounds for disciplinary action in this state, in violation of Code of Alabama, (1975) § 34-21-25(b)(1)(g) and Alabama Board of Nursing Administrative Code, § 610-X-8-.03(6)(z) (as effective through June 24, 2010) (now found in Alabama Board of Nursing Administrative Code § 610-X-8-.03(7)(aa) (as effective June 25, 2010)). Said conduct is unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters pertaining to health.

**SPECIFIC FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING  
COUNT FOUR**

13. The conduct as described above constitutes sufficient grounds for the imposition of sanctions against Respondent's license to practice as a licensed nurse in the State of Alabama, pursuant to Code of Alabama, (1975) § 34-21-25 and Alabama Board of Nursing Administrative Code, § 610-X-8-.03.

**ADDITIONAL CONCLUSIONS OF LAW**

14. That the Board has jurisdiction of the cause pursuant to Code of Alabama, (1975) § 34-21-25.

15. There were no objections related to notice, specificity or other jurisdictional or constitutional defects. Service was attempted at Respondent's last address of record by Certified Mail on July 5, 2011 and by Mobile County Sheriff on July 13, 2011. Respondent failed to attend the hearing.

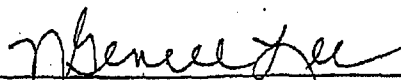
16. Respondent's conduct constitutes grounds for disciplinary action for violation of Code of Alabama, (1975) §§ 34-21-25; 34-21-25(b)(1)(d); 34-21-25(b)(1)(g) and Alabama Board of Nursing Administrative Code, §§ 610-X-8-.03; 610-X-8-.03(4)(a); 610-X-8-.03(6)(v) and 610-X-8-.03(6)(z).

**ORDER**

THEREFORE, IT IS ORDERED and ADJUDGED that Respondent's Alabama Registered Nurse License, Number 1-068198, and Respondent's Alabama Licensed Practical Nurse License, Number 2-030518, are hereby REVOKED.

DONE and ORDERED on this the 16<sup>th</sup> day of September, 2011.

ALABAMA BOARD OF NURSING

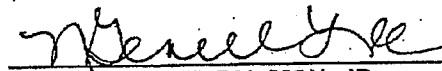
  
N. GENELL LEE, RN, MSN, JD  
EXECUTIVE OFFICER

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 16<sup>th</sup> day of September, 2011, a true and correct copy of the foregoing Board Order was served by forwarding the same by United States certified mail, postage prepaid, and addressed as follows:

Alice Yvette Brazil  
607 May Street  
Mobile AL 36607-1316

**ALABAMA BOARD OF NURSING**



**N. GENELL LEE, RN, MSN, JD  
EXECUTIVE OFFICER**

**ADDRESS OF COUNSEL:**

Alice Maples Henley  
General Counsel  
Alabama Board of Nursing  
Post Office Box 303900  
Montgomery, Alabama 36130-3900  
334-293-5220 (Telephone)  
334-293-5201 (Facsimile)